

## FEDERAL COMMUNICATIONS COMMISSION

Washington, D.C. 20554

JAN 31 1994

January 25, 1994

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JUN 21 1994

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF SECRETARY

Honorable Randy Cunningham  
United States Representative  
613 West Valley Parkway, Suite 320  
Escondido, CA 92025

Dear Congressman Cunningham:

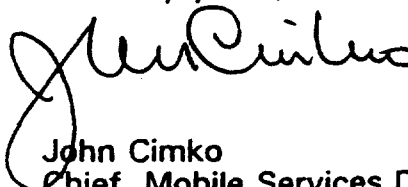
Your constituent, E. L. Pietrowski, indicates in his letter that the Commission has determined to abandon the lottery process in favor of auctions. As of this time, this is not accurate.

The Commission is currently evaluating each service it regulates in light of recent Congressional action authorizing the Commission to utilize auctions to award spectrum rights. Each current and proposed service is being reviewed to determine the efficacy and legitimacy of the use of auctions to award spectrum for use in that service. On August 10, 1993, Congress required the Commission to adopt its auction rules within 210 days. In order to meet this deadline, the Commission is scheduled to consider a Report and Order at its February meeting.

Should the Commission determine that auctions are not applicable to unserved cellular areas, we will reschedule the lottery dates and proceed apace as previously planned. Should auctions be adopted for unserved areas, however, the Commission will also have to adopt procedures to be applied to the applications already on file with the Commission. Any such procedures will be publicly announced and will be placed in the Federal Register prior to implementation.

If you have any further questions, please do not hesitate to contact Andrew Nachby, a member of my staff, at (202) 632-6450.

Sincerely yours,



John Cimko  
Chief, Mobile Services Division  
Common Carrier Bureau

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RANDY "DUKE" CUNNINGHAM

51ST DISTRICT, CALIFORNIA

ARMED SERVICES COMMITTEE

MERCHANT MARINE AND  
FISHERIES COMMITTEE

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TASK FORCE ON DRUGS



Cb [Signature]  
Cunningham  
Cellular  
897  
Congress of the United States

House of Representatives

Washington, DC 20515-0551

PLEASE RESPOND TO

□ 117 CANNON HOUSE OFFICE BUILDING  
WASHINGTON, DC 20515-0551

(202) 225-5452  
(202) 225-2558 FAX

□ 613 WEST VALLEY PARKWAY  
SUITE 320

ESCONDIDO, CA 92025  
(619) 737-8438  
(619) 737-9132 FAX

February 25, 1994

Lauren J. Belvin  
Director  
Legislative Affairs  
Federal Communications Commission  
2000 L Street N.W.  
Washington, D.C. 20554

Dear Lauren:

I am writing on behalf of my constituent E.L. Pietrowski. Mr. Pietrowski is concerned about the Federal Communications Commission decision to delay a scheduled Cellular Lottery.

Enclosed are correspondence from the FCC's Chief of Mobile Services Division and Mr. Pietrowski's rebuttal to the aforementioned letter. Please review the enclosed documents and advise me of your findings at my Escondido, California office.

Thank you for your help.

Sincerely,

[Signature: Randy 'Duke' Cunningham]  
Randy "Duke" Cunningham  
Member of Congress

RDC/jr

COPY

FEB 10 1994

973 La Tierra Drive  
San Marcos, CA 92069  
February 9, 1994

RE: UR LTR 1600D-ALN 9400096 of Jan 25, 1994

Mr. John Cimko  
Chief, Mobile Services Division  
Federal Communications Commission  
Washington, D.C. 20554

Dear Mr. Cimko:

I am responding to the above referenced letter to the Honorable Randy Cunningham.

In your first paragraph you make an incorrect statement to the effect I indicated that the Federal Communications Commission (FCC) has made the decision to proceed with auctions in favor of the lottery process. I wish to set the record straight; What was clearly stated in my letter to Representative Cunningham was that auction process would probably prevail. I gained that impression from my conversations with several FCC personnel. I did not state that an action, in fact, had been taken. Several paragraphs further in my letter to Representative Cunningham I clearly stated that a decision probably would not be forthcoming prior to January or February, 1994.

Incidentally the individual named as the contact person in the FCC September, 1993 communication was never available to answer questions. In fact in the dozen or so attempts to reach this individual I never once was successful. It was due to the lack of communication with the designated FCC spokesman that I finally wrote Representative Cunningham in desperation.

Knowing how money talks in Washington I am remain deeply concern as to my chances to participate in the now delayed lottery.

It is truly unfortunate that the lottery process has dragged out for the better part of two years. During this period the participants have nothing more to show for their time and effort than half page message stating we may change the rules.

Sincerely,

E.L. Pietrowski  
CC: Honorable Randy Cunningham

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